IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2729 OF 2007

Shrihari Zolbaji Agade vs. President, Vivid Karyakari Sahakari Sanstha

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
OCTOBER 30, 2007.

Heard Shri Issac, learned counsel for the petitioner – employee.

His contention is that the Labour Court as also Industrial Court ought to have granted full back wages to the petitioner – employee from the date of his dismissal i.e. from 22.10.1991 till his reinstatement as per order of Labour Court dated 22.12.2003.

I find that the Courts below have correctly appreciated the controversy. The Industrial Court has in fact pointed out the judgment of the Hon'ble Apex Court in the case of Kendriya Vidyalaya Sanghatan & Anr. vs. S.C. Sharma, reported at 2005 SC (LNS) 270.

It is well settled law that the burden

to prove his entitlement is upon the petitioner – employee and the petitioner – employee has failed to discharge the same.

In the circumstances, I am not inclined to interfere with the impugned order in writ jurisdiction. Writ Petition is dismissed. No order as to costs.

JUDGE

*GS.